



01-26-07

1636

Attorney's Docket No.: 17248-004US1 / 4804US

1Feb

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar A. Szalay et al.  
Serial No. : 10/516,785  
Filed : June 27, 2005

Art Unit : 1636  
Examiner : Daniel M. Sullivan  
Customer No.: 20985  
Confirm. No.: 7336

Title : Light emitting microorganisms and cells for diagnosis and therapy of diseases associated with wounded or inflamed tissue

**Mail Stop: Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

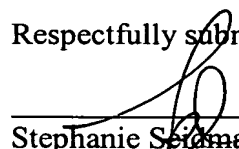
Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement (2 pages), Form PTO-1449 (2 pages), copy of Indian Examination Report, copy of Chinese Office Action with English translation, cited non U.S. patent documents, and a return postcard for filing in connection with the above-captioned application. Because this Supplemental Information Disclosure Statement is filed prior to receipt of a first Office Action on the merits for the above-captioned application, a fee for filing this statement should not be due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No, 06-1050, as stated below:



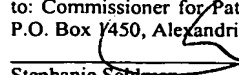
The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

  
Stephanie Seidman  
Reg. No. 33,779

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Date of Deposit January 24, 2007  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

  
Stephanie Seidman



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Because this Supplemental Information Disclosure Statement is filed before the receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Forms PTO-1449 (2 pages) and copies of the cited non U.S. Patent documents are provided herewith in connection with the above-captioned application.

The documents cited on the Forms PTO-1449 are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Provided herewith is a copy of an Indian Examination Report, issued October 23, 2006, in connection with Indian Patent Application No. 00004/MUMNP/2005 (Attorney Docket No. 17248-004IN1/ 4804IN), which is a national stage filing of International Patent Application No. PCT/EP03/05907. The instant application is a national stage filing of

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Stephanie Seidman

Applicant : Szalay et al.  
Serial No. : 10/516,785  
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Attorney's Docket No.: 17248-004US1 / 4804US  
Supplemental Information Disclosure Statement

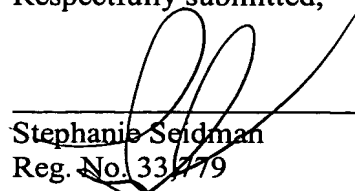
International Patent Application No. PCT/EP03/05907. In the Indian Examination Report, Examiner cites two documents: 1) US 6217847 and 2) (Rodriguez, et al., "Expression of the firefly luciferase gene in vaccinia virus: A highly sensitive gene marker to follow virus dissemination in tissues of infected animals", Proc. Natl. Acad. Sci. U.S.A., 85: 1667-1671 (1988)). 1) and 2) have already been made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449, filed July 21, 2005.

Provided herewith is a copy of a Chinese Office Action, with English translation, issued October 16, 2006, in connection with Chinese Patent Application No. 03812787.3 (Attorney Docket No. 17248-004CN1/ 4804CN), which is a national stage filing of International Patent Application No. PCT/EP03/05907. The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907. In the Chinese Office Action, Examiner cites one document: D1 (US 6217847). This document has already been made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449, filed July 21, 2005.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and they be made of record in the file history of the above-captioned application.

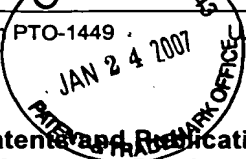
Respectfully submitted,



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Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785	
		List of Patents and Publications for Applicant's Information Disclosure Statement			
		Applicant Aladar Szalay et al.		Filing Date June 27, 2005	Group Art Unit 1636

(37 CFR §1.98(b))

## U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	2005/0063993	03/24/05	Schlom et al.	424	199.1	01/14/03
	AB	6,045,802	04/04/00	Schlom et al.	424	199.1	06/07/95

## Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AC	01/24637	4/12/01	PCT				
	AD	95/31105	11/23/95	PCT				
	AE	96/11279	4/18/96	PCT				

## Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AF	Chaloupka, I., et al., "Comparative Analysis of Six European Influenza Vaccines," <i>European Journal of Microbiology and Infectious Disease</i> , 15(2):121-127, (1996).
	AG	Crystal, R.G., "Transfer of Genes to Humans: Early Lessons and Obstacles to Success," <i>Science</i> , 270:404-410, (1995).
	AH	Davis, C.G., "The Many Faces of Epidermal Growth Factor Repeats," <i>The New Biologist</i> , 2(5):410-419, (1990).
	AI	Eck et al., "Gene-Based Therapy," <i>The Pharmacological Basis of Therapeutics</i> , Ch. 1, Eds., Goodman and Gilman, Macmillan Publishing Co., New York, N.Y., pp. 77-101, (1996).
	AJ	Gorecki, D., "Prospects and problems of gene therapy: an update," <i>Expert Opinions in Emerging Drugs</i> , 6(2):187-198, (2001).
	AK	Kaufman, H., et al., "A recombinant vaccinia virus expressing human carcinoembryonic antigen CEA", <i>International Journal of Cancer</i> , 48(6):900-907, (1991).
	AL	Kaye F.J., et al., "A single amino acid substitution results in a retinoblastoma protein defective in phosphorylation and oncoprotein binding" <i>Proceedings of the National Academy of Science of the United States of America</i> , 87:6922-6926, (1990).
	AM	Mutschler, E., et al., "10. Chemotherapy of Malignant Tumors," <i>Drug Actions: Basic Principles and Therapeutic Aspects</i> , Medpharm CRC Press, Stuttgart, Germany, pp. 595-612, (1995).
	AN	Rudinger, J., "Characteristics of the amino acids as components of a peptide hormone sequence", <i>Peptide Hormones</i> , Ed., J.A. Parsons, University Park Press, Baltimore, p. 1-7, (1976).
	AO	Sivanandham, M. et al., "Therapeutic effect of a vaccinia colon oncolysate prepared with interleukin-2-gene encoded vaccinia virus studied in a syngeneic CC-36 murine colon hepatic metastasis model," <i>Cancer Immunological Immunotherapy</i> , 38:259-264, (1994).
	AP	Skolnick, J., et al., "From genes to protein structure and function: novel applications of computational approaches in the genomic era," <i>Trends in Biotechnology</i> , 18:34-39, (2000).
	AQ	Verma, I, et al., "Gene therapy- promises, problems and prospects," <i>Nature</i> , 389:239-242, (1997).

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785
<b>List of Patents and Publications for Applicant's Information Disclosure Statement</b>  (37 CFR §1.98(b))				Applicant Aladar Szalay et al.	
				Filing Date June 27, 2005	Group Art Unit 1636
<b>Other Documents (include Author, Title, Date, and Place of Publication)</b>					
Examiner Initial	Desig. ID	Document			
	AR	Williams, R. Sanders, "Southwestern Internal Medicine Conference: Prospects for Gene Therapy of Ischemic Heart Disease," The American Journal of the Medical Sciences, 306(2):129-136, (1993).			

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	